

***Silver Spring Citizens Advisory Board Meeting***  
***Minutes***  
***February 11, 2008***

**Members:** Alan Bowser, Debbie Spielberg, Darian Unger, Mitch Warren, Jerry Yokoyama, Victor Weissberg, Lucinda Lessley, Mary Pat Spon, Evan Glass and Eric Hensal

**Members Absent:** Phil Olivetti, Deborah Linn, Marilyn Seitz, Mark Woodard, Megan Moriarty, Kathy Stevens, Fran Rothstein and Cassandra Ford

**Call to Order and Introduction:** Debbie Spielberg, Chair, called the meeting to order at 7:05 p.m. members and attendees introduced themselves.

**Approval of Minutes:** The Silver Spring Citizens Advisory Board approved the January 14, 2008 minutes.

**Community Comments**

Bob Colvin thanked Debbie Spielberg for coming to the Civic Association Meeting.

Richard Crump is looking at putting a CVS on the first floor and a daycare center on the second floor of the old Gifford's, which is currently a daycare center.

On February 4 the small businesses met at the Hook and Ladder Fire House, sponsored by the County Executive and Councilmember Valerie Ervin. A number of business people attended and are concerned with rents and relocation.

Roger Stanley said the new lighting was poor on Fenton Street to Wayne Avenue South and he expects to put in new light bulbs. We have been talking about the lights ever since they put them in and I don't know why they keep replacing them.

The development at 8227 Fenton Street is moving ahead with two stories, retail on the first floor, offices on the second floor but they will not have parking. The development at 814 Thayer Avenue has 52 condos, 35 parking spaces, the entrance and exit to that building will be from the alley way between Silver Spring Avenue and Thayer Avenue. The owner said it was dangerous and he wanted a couple of parking meters removed to help the site line where people are entering and exiting.

I understand that Jackie's owns the building between Sligo Avenue and Gist Avenue along Salem and that she is entertaining the idea of putting something where the burned down restaurant used to be.

Loft 24 has scheduled a meeting Thursday, February 28<sup>th</sup> at 7 o'clock at the Sligo Urban Community Center. This has to do with an amendment to the approval site plan for Loft to reflect to current site conditions. I'm not clear as to what they mean but evidently they are going

to change the streetscaping or benches. But why they are holding a meeting makes me concerned and I want to attend and hear what they've got planned.

The Moda Vista located at Silver Spring Avenue and Fenton. We will have a meeting next Monday with Mrs. Locker the owner of the property and Mary Courts. Mary Courts is talking about leasing or using the site and having 100 units. They want to meet with us because they need a zoning text amendment. Some of the things we have talked to the owner about are retail on the first level on Fenton Street, parking being underground and the entrance and exit of the parking lot would be off of Silver Spring Avenue. There are two houses adjacent to this property that is part of the track. The first house would be torn down, the second house might be donated to the Historical Society and the current building on site will be torn down

Charlotte Coffield stated that the "History of Lyttonsville" Exhibit is on display at the Gwendolyn Coffield Community Center. I would like to thank the Neighborhoods Committee and The Silver Spring Citizens Advisory Board for their support. The Historic Conservation Group worked with us in getting this Exhibit put together throughout Black History Month. The Exhibit goes back to the deed of Sam Lytton; the property was conveyed in 1853, which is on display along with photographs, newspaper articles and artifacts on Lyttonsville. Lyttonsville is a community that few people know about and we want to get the word out that we do exist. We are very proud of the Exhibit and would like to invite all of you to see the display in the Main Lobby of the Gwendolyn Coffield Center. Thanks to Marcie Stickle, who was nice enough to print out copies of the schedule.

*Marci Stickle submitted to the Silver Spring Citizens Advisory Board Community Comments for the Record and for the minutes "Demo of 935 Bonifant Street, Bonifant Courts, Proud Advertisement Memoriam" (To view a copy of the 1937 ad in detail please refer to the informational portion of this packet)*

Chip Py stated he would like to discuss the events that happened on February 8<sup>th</sup> on Ellsworth and First Amendment Rights. This past summer I was the photographer taking pictures on Ellsworth Drive, stopped by security guards and told that I couldn't take pictures there; I begged the question, what are the first amendments rights in a public/private partnership, which was a public street? I led a protest of one hundred people on the 4<sup>th</sup> of July, and got media attention. Eventually, the County Executive's office of the County Attorney came up with a legal binding that claimed that the first amendment rights were allowed there, the same as any other street in the County. The Peterson Company said that they would abide by that, they were quoted in the paper and they even came to this group and said that they were going to formulate a policy and get back to us. In October I called the County Executive's office and asked them if they would ask the Peterson Company to get back to us. I talked to Mark Woodard, he asked the Silver Spring Citizens Advisory Board to ask the Peterson Company to state their policies. On Friday night I went there to campaign for my candidate of choice, I went out there and within three minutes two security guards came up to me and told me it is against their policies to handout fliers on Ellsworth Drive for political purposes. I had a copy of Isiah Leggett's letter and showed it to them we went to the Office where I met Jennifer Nettles and the head of security.

Chip Py commented that he showed the head of security the County Executive's letter. Nobody there knew anything about these policies that were supposed to be implemented. I come here tonight because I've asked the Peterson Company in letters to The Gazette and The Washington Post, to state their policies publicly, inform their staff and to implement these policies. I'm in the process of working with a third party test. I am working with another organization that we are all familiar with and they have yet to agree for someone to show up there three times a year and make sure that these rights are afforded to them.

Darian Unger stated that he understood there was a possibility of the American Civil Liberties Union (ACLU) picking this up and having it run as an actual test case rather than waiting for your company reaction. What is the latest on that front? Legally, is there going to be intent to bring this to court rather than bounce letters between Ike Leggett and Peterson?

Chip Py responded that he will not make a statement on what they may or may not litigate.

Debbie Spielberg commented that Board Members received a copy of the Statement of Downtown Silver Spring.

Chip Py commented that he read the Statement of Downtown Silver Spring today and that the second paragraph never happened. There was nobody there who knew what the policies were. I gave them a copy of Ike Leggett's letter; they xeroxed it and said they would get back to me. After tense conversation they told me I could go out there and handout the campaign literature. At that point I knew I had a bigger job to do and started contacting people in this room and County officials.

Debbie Spielberg asked if they did tell Mr. Py he could go back and handout political literature.

Chip Py responded that he was able to continue handing out the literature. Jennifer Nettles, Peterson, Xeroxed a copy of Ike Leggett's letter and told me she would get back to me. My question is, in this Statement from the County Attorney the rights exist, they are the same as any other street, but I don't have to stand on any other street and go through levels of security to handout literature for a political candidate. I respect them asking what I was doing and want order in Downtown Silver Spring.

Jack Garson, Council for Downtown Silver Spring stated that he did appreciate Chip Py's effort to protect everyone's First Amendment Right's. He commented that Chip Py has done a service to the community by bringing this issue to the attention of everybody. It's a unique situation because there is a private/public partnership, where the government preserves certain easement and there are historical aspects of the project making this unlike most commercial properties where first amendment rights do apply. Chip Py was permitted to take photographs and hand out the political literature, but the mistake that was made was stopping him.

"I apologize on behalf of Downtown Silver Spring but we have done our homework, learned what the rights are and adopted policies. I have copies of the policies adopted in Silver Spring and they are available in the Manager office. The Silver Spring policy was adopted in September and makes it clear that the first amendment rights Chip Py has fought for and that the County

Attorney's office insist we recognize on the property have been implemented. These policies were adopted and protect everyone's First Amendment Rights in a very comprehensive way on Ellsworth Drive. There are certain limitations but they are legal limitations. If you want to have a march on Ellsworth Drive you would register in advance but we fully respect everyone First Amendment Right under these rules."

I have talked with Councilmember's and the County Attorney's office and we issued a statement and provided a letter that is reassuring to the Leon Rodriguez's, County Attorney office. We have let numerous media outlets know about our policies, willingness and obligation to honor the First Amendment Rights including the Washington Post which we provided a copy of the rules and regulations.

We will continue our outreach to anybody who might be affected by our operation of Downtown Silver Spring making it clear that we will honor everyone's First Amendment Rights. We are more than happy to meet with anyone to discuss this situation and I welcome the opportunity to meet with Mr. Py. Again, I think he should be commended for his efforts on behalf of the community; he took his personal time and effort to protect everyone's rights.

Debbie Spielberg stated that we are going liberally with the Community Comments portion but it seems like this is a relevant issue to our Board and the community. We're lucky we have a little time to give.

Eric Hensal stated that he did not see anything here about a process when these folks are hired which could bring us back to this subject again.

Jennifer Nettles stated that they have implemented a monthly meeting with their staffs to go over procedures. They are going to a training program along with me and the marketing manager so everyone will be on the same page and understand what is going on and hopefully this will not occur again.

Diane Jones, from the County Executive's Office, commented that they appreciated PFA's stepping up to the plate but we are very dismayed by the event. We do not want any action that would have a chilling effect on your ability to exercise your rights and supporting your political candidate. I don't know who you contacted in the County Executive's Office but I invite you to contact me. I have more than a passing familiarity with the documentation with PFA. Again, I have to make this very clear that we will not tolerate a situation that has a chilling effect on the legitimate exercise of First Amendment Rights.

Jack Garson answered virtually everything of merit is agreed on and we have already responded, provided communications to the County over the summer.

Chip Py asked if the County Executive's Office has seen the policy before today.

Diane Jones asked if this is a policy that came out today or is a prior policy.

Jack Garson responded that the policy was previously provided to the County in response to Noel and Leon's request.

Diane Jones commented that she was not sure how this was relevant to his experience.

Chip Py stated that after the experience in the summer he contacted the County Executive's Office and asked to see a copy and was told they were not going to ask them for one.

Diane Jones commented that she has not seen this information until now. I did see that there was some communications today in response to the problem; I don't think this should have happened and I do think that PFA acted swiftly.

Jack Garson stated that we took the materials to the County Attorney and showed them our new rules.

Diane Jones commented that she left the County for 8 months and this particular event occurred during that time so she could not speak on what communications transpired with the County Attorney's Office. Today was the first time I've seen this and we are formulating all the steps.

Chip Py stated that he has been following this issue very closely. I spoke to Mark Woodard and he and I were going to ask this Board to ask Peterson to respond on their policies as they said they would at a previous Board meeting.

Jack Garson commented that he read the minutes and when we were asked if we were going to work with this Board we stated that we were going to work with elected officials because they represented the community. We've met with Councilmember Valerie Ervin who represents the applicable District, Councilmember Marc Elrich who has shown concern for the issue and Councilmember George Levanthal among others. We never stated that we would work with this Board.

Chip Py commented that he was quoting The Penguin and there was an article and it said that you would get back to the Board. Your spokesman I.J Hudson was quoted in The Gazette and The Washington Post as saying that you were going to create rules and then get back to everyone.

Debbie Spielberg stated that the issue can not be resolved because I don't have those minutes here tonight

Darian Unger asked Jack Garson why not eleven people. Ten people can engage in speaking and distribution of written material on your policy.

Jack Carson responded that it is based on a case law of the recognition of First Amendment Rights. I can show you the court cases that create the basis for the statute of limitations. The limitations on First Amendment Rights are time, place and manner limitations and there are certain limitations that are appropriate based upon your circumstances and we based all the

limitations that we have there on the court cases across the country. If you would like more clarification please give me your contact information

Debbie Spielberg commented that we haven't had any Board member asking the Board to follow up although there has been discussion and Mark Woodard is not here tonight but as far I know there has not been a request that we've ignored. We will let Mark Woodard know that you guys have been here and go from there. Thank you very much for coming and letting us weigh in on it.

### **Chair's Report**

Debbie Spielberg reported that:

- The Board co-hosted a Budget Forum with the County Executive on January 24<sup>th</sup> and the forum was well attended. I wrote up notes beginning on page 64 summarizing some of the comments. If you have an interest or question feel free to ask.
- I testified before County Council on February 5<sup>th</sup> on the CIP Budget. Written testimony is on page 62. Councilmember's were understandably preoccupied with the deaths of Gene Lynch and Marilyn Praisner; both are big losses for the County.
- She spoke to the East Silver Spring Citizens Association about the Silver Spring Citizens Advisory Board last month. And I would note my quote at the end about how much clout we have in my comment. I did say that we joke that they listen when they want support and ignore us when they don't, but I also did say we strongly believe that you have to continue to weigh in and we have a responsibility to let them know how the community feels. I enjoyed speaking to the group it was interesting to hear what folks were thinking and talking about, so thank you for inviting me.

### **Director's Report**

Gary Stith reported that:

- The County Offices will be closed in observance of President's Day February 18<sup>th</sup>.
- The County Executive sent over the appointments to the Citizens Advisory Board to the County Council. Six members have been put up for reappointment and one new member being appointed those will be confirmed on February 26<sup>th</sup>.
- The County Executive's Operating Budget will be sent over to Council on March 17<sup>th</sup>. The law says the 15<sup>th</sup>, but that's a Saturday, so he's doing it the Monday after.
- The County Council will hold hearings on the Operating Budget the first week of April. We will have a discussion later in the agenda for you to help Debbie Spielberg with what comments you want her to share with both the County Executive, in the meeting at the end of the month, and with the County Council in April. There won't be time between your March and April meeting. The hearing will be before the April meeting and the 17<sup>th</sup> is after your March meeting so there is very little time. Debbie Spielberg will have to go based on the comments you share with her that she sends to the Executive.

### **Discussion**

Alan Bowser stated there were a couple of high profile meetings in Silver Spring that we heard of after the fact. As I understand both meetings were with the County Executive, one was a

meeting with tenants that happened in December and there was a meeting that I read about, maybe in The Penguin, about Small Businesses meeting with the County Executive. If you can tell us about what happened at both of those meetings and in the future let us know in advance so we can participate and attend. I received a call from Tom Pepper asking if I would be going to the meeting and that approximately 200 tenants were attending. I think it might have been at the library and 50 people attend. It had to do with rent control and rent stabilization.

Gary Stith responded that he was unaware of that particular meeting. We did not make a public announcement on the Small Businesses meeting because we were concerned that the location would not accommodate everybody and we were trying to focus on inviting small businesses and property owners in the Downtown Silver Spring area. We didn't make a general broadcast announcement about the meeting because we wanted to stay focused on the small businesses.

Alan Bowser commented that maybe in the future when meetings occur you could notify the Chair of the Board or Committee Chairs. It would have been interesting to see who attended and hear what their issues are.

Alan Bowser asked about the demolished building on Bonifant Street and what are going to do with the site after its clear.

Gary Stith responded we were having difficulty securing the building and concern about safety because people were breaking in, living there and doing other things. We were afraid they might start a fire and felt that the only way to deal with this was to demolish the building. We didn't feel the building could be incorporated in the future development of the library project. The fact that there were 32 units in there and property was acquired with housing initiative funds before we started looking at the site as part of the library site means that we have intentions of the redevelopment of that property including replacement units for the units that were in that building. We anticipate affordable housing as a part of the redevelopment of that site

Alan Bowser asked about the status of the Moose Lodge and how long they are going to remain in operation?

Gary Stith responded the County owns the Moose Lodge property. The Moose continue to occupy it and we've been working with Eric Hensal the new Governor of the Moose Lodge to find them a new location and they are looking at specific location, hoping it will work.

Eric Hensal commented that the Auto Repair Shop next to the Moose Lodge has a for lease sign on it.

Gary Stith stated that the County does not own the building but they are trying to acquire it and a condemnation was filed last Friday. We are pursuing condemnation on that property because we have not come to any negotiation in acquiring that property. We'll continue to try to negotiate for a settlement but we filed condemnation.

Eric Hensal commented the tenant is out, basically the place is empty, he's moved.

Gary Stith responded the tenant has moved but the owner has a right to release it but we're in the process of acquiring it.

Alan Bowser asked how long is it expected for the Moose Lodge to be able to stay there.

Gary Stith responded that at this point they have until the end of April. We can give them an additional extension as long as they are making progress in relocating.

Darian Unger stated the Fire Department tried to use Bonifant Court for training, it was deemed too dangerous for us to go into. We did go into 905 Bonifant, the white building next door, and we used it for search and rescue drills. There was ugly graffiti and racist stuff on the walls. We tore down an American flag that had been scrawled all over with epithets and we gave that to the foreign legion to burn and dispose of properly. This is something that the Historical Society has been concerned about too and I thought people ought to know what was going on in there.

Mitch Warren asked on the issue of the library site is anything holding up progress on the library?

Gary Stith responded that there are three properties the County has yet to acquire, we recently got new appraisals and made new offers. We think we are very close on two of the properties and we're trying to finalize negotiations. The third property we were very far apart and filed condemnation on it. The County Executive said this is a high priority project and he wants us to acquire this site so that we can move forward.

Darian Unger asked what the County Executive plans on doing with the Moose Lodge.

Gary Stith responded that's where the new library is going and the Moose Lodge is part of the site. The site goes from the Moose Lodge on Wayne Avenue on around Fenton down Fenton to Bonifant back around to where that apartment so it's that whole end of the block. The intention is to build a new library bigger than the current library. There is talk based on recent information we got from Park and Planning that the library department may reevaluate the program requirements because there are some concern that it may not be big enough. I don't know where that is going to go but they're at least testing the program requirements, because it has been several years since it was developed, to make sure that it will be an adequate facility to meet the community's needs. The intention is that once we acquire and develop the site for the new library and also includes residential development in conjunction with the library.

Jennifer Deseo asked if grass would be planted in the area and were there plans to maintain that area as a park until construction starts?

Gary Stith responded we'll keep it maintained but it won't be an official or even unofficial park as far as I'm concerned.

Jennifer Deseo asked if any safety problems are foreseen.



Gary Stith responded that it is temporary use, I don't even know if we'll keep it open where people can walk on it or not, that could create maintenance issues too, we'll see.

### **Live Nation Update**

Diane Jones reported that:

A lease was signed with the Live Nation and provides for annual rent payments of \$90,000. Rental payments will go up 7 1/2 % every year. It is more than a triple net lease because the tenant has assumed all responsibility for maintaining the structure for capital basis and operating basis.

The tenant is agreeing to do their own tenant improvements and taking responsibility for building its improvements which we will own at the end of the lease term. The tenant has committed to spending a minimum of \$2 million dollars on its tenant improvements and as all of you know it will be a Fillmore. The lease is for a period of 20 years. In addition to the rental payments it is subject to taxes. Initially there maybe some credits on some of the taxes but over time those credits will diminish. The facility itself will be about 31, 000 square feet.

The County's commitment is 8 million dollars, which includes 4 million dollars of state funding and 4 million dollars of County funding. The developer is putting their land in, which the developer estimates a value of approximately 3.5 million dollars.

In addition to financial payments there are some other fiscal benefits that we were able to negotiate. Live Nation will pay the sum of \$30,000 each year to Celebrate Silver Spring Foundation which is a non-profit that assists with paying for cultural arts events in Downtown Silver Spring and to address issues of the Silver Spring Urban District. They have also agreed to provide and are interested in community use. There is a guarantee of 36 opportunities for community and County use. Three of those uses are going to be to the County for free, 3 are for non-profit at no charge for the facility obviously if you have people working there and setting up that's different, but the use of the facility will be free. The remaining 30 are at a heavily discounted rate. The first 20 of those uses are for the community at 20% of the market rate for the facility, which is based on a 7-hour rental. The next 10 are at 40% of the market rent.

Under no circumstances can the 20 or 40% or even after we've achieved the 36 community uses every use beyond that can not exceed \$3,000.00, for the remainder of the lease, for the rental of the facility. This is heavily discounted, if you compare to the use of County facilities such as Brookside Garden's or Seneca Lodge. These rates for a much smaller facility are comparable; on a per person basis it is a more cost effective facility to use.

Live Nation has agreed with each of the events that it books at the facility, its committed to at least 70 events, with each event that it books it will get two signed memorabilia and every year it will conduct an auction, there is a number of fundraising events and concerts, they will do this annually with memorabilia that it is collecting and that money will go to a cause or need that is identified with Montgomery County.

When you look at the various economic benefits, cost avoidances that would typically go with the lease and the rental and the actual revenue income to the County and you add all that up and you look at the County investment that fiscal impact is estimated to be in excess of 11% return on investment. This is something that we perceive to be an economic development initiative. This summarizes where we stand with Live Nation and its maximum capacity of 2,000.

Debbie Spielberg asked about community use. How will it be determined which non-profit organizations get to be the first 20 and is that 36 per year?

Diane Jones responded that it's guaranteed, it's the floor not the ceiling, 36 per year, although we hope that they are programming this facility. Live Nation's has delegated that to the County, but we have yet to figure out the process of how to do it. I should mention that because of booking nature of the facility they do ask for 90-days advance booking. I'm sure that a date not being used, we can work with them, but the lease does call for that.

Debbie Spielberg questioned that the County will have to come up with the formula for deciding, I realize more will get to do it but its 30 who get the drastically reduced rate.

Diane Jones responded that they will have to look at it and establish a criteria but I haven't given it much thought I need to get with the Director of Community Use of Public Facilities and explore the best way to handle this.

Debbie Spielberg asked about the discounted rate after the 36 is no more than how much percent.

Diane Jones responded that it can not exceed \$ 3,000.00 per event at any time. If you look at their market rate is \$ 6,000.00 then 20% of that would be your rented community use.

Gary Stith commented that the published rate is going to depend on the day of the week and time of the year. Its seasonal driven so one time of the year you may get it cheaper than in another time of the year and their schedule will be based on those kinds of thing.

Evan Glass asked what the differences in the leases are, the one that was originally quoted out last fall and the one that was ultimately signed a few weeks ago.

Diane Jones responded that it was not the lease that was quoted off last fall it was the letter of intent that was signed. What was not in the original letter of intent was the fleshing out of the community uses additionally the support for the Silver Spring Urban District & the Arts and Entertainment events and Celebrate Silver Spring was not in the original letter of intent. The fundraising auction was not in the letter of intent. The County Executive wants to have a Board that will advise him on Silver Spring arts and entertainment issues and matters. They've agreed that Live Nation will meet with this group, meet with the County Executive to discuss matters of interests throughout the term of lease at least annually.

Evan Glass asked that aside of the creation of the Advisory Board and the charitable community aspect of it, none of the financials of the actual deal changed.

Alan Bowser commented that they raised the rent and also the County keeps the building.

Diane Jones responded that we do increase the rent, the rent is stated in the letter of intent but we are retaining ownership at the end of the term.

Gary Stith commented that you are right there was an option for them to purchase it in the letter of intent but that has gone away.

Evan Glass commented the ownership pretension but no increase rent.

Alan Bowser asked if Live Nation is only going to pay the amount of money that the Birchmere was going to pay, which was less than \$100,000.00 each year.

Diane Jones stated that it is for the first 5 years. The difference here on the same footprint of land there is going to be revenue generated for the facility itself. If you break it out the capital maintenance, the ordinary maintenance, which I think was in the letter of intent with Birchmere and they had not agreed to that but Live Nation did. If you quantify that on a per square foot basis you would end up with a different per square foot rent and what we have is more than a triple net lease. The investment in this facility by the County has not gone up from what was put on the table with Birchmere. Birchmere would not agree to putting \$2 million, we couldn't get that commitment; we do have that unqualifying commitment from Live Nation, if it turns out that there needs to be value engineering of the facility and Live Nation elects that it wants to keep something in that needs value engineering it is going to step up to the plate to cover those items.

Gary Stith stated that the \$8 million that's the obligation of the County and the State is capped. The \$ 2 million on the part of Live Nation is not capped, that's a floor.

Darian Unger stated I am a supporter of Live Nation and welcomed the deal but was one of many concerned about the lack of transparency of the process and the lack of competitive bidding and all the things that got the community concerned. It seems to me that even the whiff of competition got a few things more out of Live Nation for the County because there have been changes between the letter of intent and now.

Diane Jones responded that she doesn't think that is the correct conclusion. What got more of the deal was not the lack of competition but the fact that the County had met with different representatives of the community. The community use issue had nothing to do with competition, the community use issue was a direct expression by the community, and they wanted opportunities for that. We negotiated that, we addressed it and we came up with something which was good. As for the process, I understand some had concern for transparency but I think that it is really critical to recognize that Birchmere was a economic development deal, there was no competitive process for Birchmere and yet there was something that has been sanctioned by the prior and current County Council, County Executive, the General Assembly and State Legislature in the funding where it has always been acknowledged that Birchmere was going to be the first deal. This did not deviate from that approach. I think we have a difference of opinion on the transparency.

Darian Unger stated that he is happy with the deal. I just can't help thinking with competition and transparency you can get even better deals. Hopefully, we still could have gotten Live Nation.

Diane Jones commented that there was a third party, the owner of the land.

Darian Unger responded that we met with Bruce Lee and the Board has been very supportive of a lot of the things he has done. In the end the Board did support bringing a music venue to Silver Spring. It's still a matter of concern over the transparency.

Gary Stith stated that in most economic development deals you don't go out and do a solicitation because most businesses won't respond.

Diane Jones stated that you're targeting what you see a need for, to fill a void, to bring in something where you needed complimenting. For example, this venue, its not about the jobs its going to create its about the foot traffic that its going to bring to the existing retailers which the County has invested very heavily in terms of turning Silver Spring around.

Debbie Spielberg stated that we do support the music venue coming. I will say that while it was a Birchmere out there and it wasn't open to all, but it was publicly vetted at least unofficially because there was no letter of intent but everyone knew the Birchmere was coming and there was a chance for the community to digest it in someway. With Live Nation we were told, they were coming, there is a letter of intent and we can not negotiate with anyone else because we have this letter of intent. I happen to agree with Darian Unger that I do think this outcry afterwards did produce more positive negotiations. I am glad we're getting a music venue.

### **Discussion on FY 09 Operating Budget**

Debbie Spielberg stated that on February 28<sup>th</sup> she and Kathy Stevens are scheduled to meet with the County Executive in the evening, along with the other Silver Spring Boards and Committees to include the Silver Spring Recreation Advisory Board, Transportation Management District, Urban District and Long Branch to discuss the FY09 Operating Budget. I went through the packages over the last year plus and remembered some of the issues we would like to raise with the County Executive. I apologize that everyone doesn't have a copy of the list but I will read it out, I would just like to hear from folks on other items that you think need to be included and if you think there are things we need to emphasize more on. Most of this is based on actions we've already taken and I can not raise new issues with the County Executive unless our full board has considered and approved them. I'm testifying in early April before the County Council on the Operating Budget. There is still opportunity to bring up new issues but the County Executive is at the end of this month. The issues are as follows:

- The letter we sent last month. Please don't institute fees for ambulance service.
- Please support and fund the non-profit management for the Civic Center.
- Bike trails for bike maintenance should not be cut.
- Support funding for Police overtime.
- Increase the Traffic Safety Squad.

- Increase hours of the VANGo Shuttle.
- Support the C-Safe Program

There are a couple of other issues that are still pending and this has been discussed by the Executive Committee. I don't know if folks have other issues you think should be included or emphasized or if you have questions.

Mary Pat Spon asked in terms of police overtime. Is any of that anticipated to help with the safety issues in the CBD?

Debbie Spielberg responded that some of that is about the Traffic Safety Squad.

Darian Unger stated this is not about overtime. We put in a request for an additional person on the Traffic Safety Squad because the number of people has been at 8 for decades even though the population has gone up. This overtime is separate from that but we do want more cops.

Debbie Spielberg stated that she thought the overtime issue came out of the Neighborhoods Committee but overall it was for making sure we can get additional police and overtime dollars.

Alan Bowser stated that there is general concern about maintenance for the Community Centers and this Board raised the issue in letters previously and it came up at the January Neighborhoods Committee meeting on the same types of things, tree maintenance and funding seems to be slightly increased but uncertain. The funds that went to the invasive plants at county parks which they were relying heavily on volunteers and people asking for an increase in money and much of it is Park and Planning. Lastly is an issue we raised not too long ago which was increasing the Department Recreation funding for after school programs. Victor Salazar indicated that particularly at the Broad Acres School that there is not enough funding to have a good number of children at the program and we were asking for a dedicated source of funding which was the Board's language for recreation program especially in those underserved areas in Long Branch.

Vic Weissberg stated that he sent an e-mail asking if the Board could add increased purchase of hybrid buses and wanted to know why it did not end up on the list.

Debbie Spielberg stated that she did know if the Board had ever considered it but was perfectly fine with it.

Alan Bowser stated a letter was written about hybrid buses three years ago when the Board was discussing air quality in Silver Spring.

Debbie Spielberg stated that she thought Vic Weissberg wanted the buses to come down county.

Vic Weissberg stated that since the CNG facilities are there and this would be on the Capital Budget.

Debbie Spielberg asked if there are existing hybrid buses that we could ask that more be sent down this way.

Vic Weissberg stated that he did know what was in this year's budget but there are hybrid buses in the fleet.

Debbie Spielberg stated there could be a note asking them as they are looking at the budget to think about moving hybrid buses to urban areas that are congested and not close to the CNG facilities.

### **Update on Relocation of Washington Adventist Hospital**

Robert Jepson, Associate Vice President Government Relations and Public Policy with Adventist Health Care and Washington Adventist Hospital reported that:

- We attended your Board meetings twice since we announced the relocation. We have committed all through this process to be open, transparent and communicative and we wanted to give you an update on where things are and what will be happening later this year.
- For a number of years Washington Adventist was looking to expand its campus because the campus footprint is very small. We celebrated our 100 Anniversary of service to the community last year and a number of other things were going on with respect to the campus plans so we paused for about five months took a step back and began to rethink what is it the community needs from this hospital, and what is it we need to do to make sure we are meeting the community needs for health care not in just the next five or fifteen years but for the next 50 or 100 years so we came up with a new way of looking at healthcare in the communities we serve. We came up with a vision that we call vision for expanded access which includes seven elements that we felt necessary to improve facilities and services we provide for the community strengthen the healthcare safety net and improve access to care. They include things like: partnering with organizations to improve access to care. In 2006 we started a center on health disparities to eliminate health disparities in the communities that we serve and have a number of other initiatives. We concluded that it was in the long-term best interest of the hospital and community that we look at relocating. The hospital faces a number of challenges, the campus is small, inaccessible and if you look at where we are versus the community we serve we are at the very southern tip of our service area. If you look at all the hospital in this region we are the only one in the Maryland suburbs that is a mile off a major route. Every other hospital in Montgomery County is off a major thoroughfare and this is one problem we face. We have an aging facility and the way the hospital has been developed over the years we have a 1950 building, another development that happened in 1970 and 1980 and our most recent major development was completed in early 1990. The 1950's building is where about 1/3 of our patients are has about ten to fifteen years left on it. Another major challenge is the way healthcare operates today you have to have a mix of in-patient and outpatient services and more health care is going to outpatient and we have little to no space on our campus for outpatient services.

- We announced in 2005 these initiatives and plans for relocating the hospital but did not have property. Initially our plan was to sell the property in Takoma Park to help capitalize wherever it was we were going. The best thing for us to do would be to retain that campus and redevelop it. We also felt consistent with that is we had to do this in a way that sort community input so rather than us deciding what we were going to develop there we actually retained two individuals who have done similar project like this to go out and interview community leader and we started this process the middle of last year and they have interviewed over 200 people and are almost done with the interview process. We want to generate a consensus and a consistency of ideas in terms of what is the best use for this site in Takoma Park. We plan to retain that, and dedicate a portion of that to health care and no decision have been made ultimately of what it will look like because wanted the interview process to be completed and them to generate a report and began the idea of looking at themes that emerge and are viable and devote a portion of that to health care so this is what's going on with respect to the campus.
- With respect to the relocation of the hospital we filed a special exception application with the Board of Appeals on November 30, 48 acres of property that we own in the Fairland, White Oak area off of Cherry Hill Road. There are two major approvals we have to go through with respect to the hospital one is land use and the other is State Regulatory Approval. We decided to go through the land use process first and formerly file with the Board of Appeals on November 30 and the three dates hearing will likely be in May and roughly at the same time we will be going through with the site plan process with the Planning Board and don't have a hearing date yet.
- We have not made any decision on the Takoma Park property and have not seen the consultant. There were a couple of reasons we asked consultants to conduct numerous interviews about what the community saw as opportunities for the Takoma Park campus. We thought it would be helpful to meet directly with them without us being there so people felt comfortable and could speak in somewhat of an objective way. I spoke with one individual that has conducted many of the interviews and they are just about finished. We are relatively close to the end of the interviewing and they are going to issue us a report and what we would like to do is come back to this Board in a few months once we have outlines of specific ideas that have emerged from the interviewed in terms of usage for the campus. Obviously we are not seeking to place something there that the community will be concerned or opposed to. We want to work collaboratively with the community to develop that property when the time comes and we understand, know and are committed to having a portion of that to health care. Our goal when this is done in terms of the combined relocation and redevelopment of the Takoma Park Campuses is to strengthen access to health care. If we can combined the development of a 21<sup>st</sup> century facility in the east county area which is in the midst of our service area and the re-use of the Takoma Park Campus. This is a brief overview of where we are since the last time I was here in May and just to recap we have done approximately 200 interviews with community and elected officials, we are interested in collaboration and dialogue because this is an important issue and we take it very seriously. We are committed to transparency, communicating with you and no decision have been made yet with respect to the campus and if you want to voice an opinion and/or concern we still have a few weeks left before the consultants are finish with the interview process.

## **Discussion**

Darian Unger stated that his concern was the lost of an emergency room that is local and the next closet emergency room is at Holy Cross and they went to code red twice this past week and did not accept patients from ambulances because they were overcrowded. As you consider leaving some health care for us down here one of the concerns is we don't have enough emergency rooms close to us and will be under capacity. How many times in the last month has Washington Adventist Hospital turned to code red or blue?

Robert Jepson responded that he did not know but could find out because they track this very carefully.

Darian Unger stated one of the things mentioned was a possibility of a limited emergency room staying there.

Robert Jepson responded that there would be some type of urgent care or after hours.

Darian Unger stated that this would just mitigate the lost to the community of the WAH ER.

Robert Jepson responded that a number of people have the same concern and they have it heard it loud and clear so once the interview process is completed this is something we will obviously look at.

Darian Unger asked if Robert Jepson would get back with the Board on how many times in the last month or year you have been over capacity.

Alan Bowser stated he was surprised at the extensive interview process but to the best of my knowledge nobody on this Board was contacted for an interview and I would be interested in you interviewing perhaps our Chair and also interested in seeing the report on the types of people you interviewed and the theme.

Robert Jepson stated he would be happy to set up an interview with Debbie and the consultants are conducting one on one interviews.

Alan Bowser stated it would help the Board if you had a pre-packaged summary of the points you have made this evening that we could share with the community and put on our listserv. What is the status of the property on Flower Avenue, did they have the final hearing with the Board of Appeals, is the process going forward as far as Washington Adventist is concerned and do you have a better idea of what is going to be in that building

Robert Jepson responded that he would send the Board the summary points. The property at Flower and Arliss is one of the items of our vision for expanded access. There has been a lot happening with that we have entered into an affiliation with Mary Center which is a federally qualified health care center based in the District that has expertise in providing primary care particularly for low income individuals. We affiliated with them with the idea of development of a primary care clinic and primary services in this site. We have committed to being a lessee of space in the Long Branch Building obviously we won't own the building but have committed to



leasing space in the building for the Mary Center to have a site there. This has been tied up in litigation in a number of appeals and I would be happy to get back to you with a more accurate assessment from our attorney on all those various appeals, Planning Board decisions, Board of Appeals, it went to court a couple time so the answer is it has been tied up in appeals so nothing has moved forward on that. Our affiliation with the Mary Center has moved forward and 3,700 square feet has been leased by Mary Center around the corner from Long Branch for them to begin offering primary care services so while the issues are being resolved with respect to Long Branch what we are trying to do is move forward because the need is great and ultimately the hope is that we will move into leased space in the Long Branch building. So again it is still in litigation and has not moved forward. The Mary Center has secured temporary site to start while those issues are resolved.

Debbie Spielberg stated that Darian Unger should be one of the ones interviewed.

Alan Bowser stated that he would like to have discussion at the Neighborhoods Committee and gather comments to bring to the consultants conducting the interviews. We would have recommended that you put some sort of announcement soliciting comments on the Neighborhood listserv which are quiet active and people have a lot of interest in that area and there is one in the adjacent community.

Robert Jepson stated one reason he came to the meeting was to talk with the Board before the process was closed and there is still an opportunity to voice your comments. As thing progress we would like to check-in regularly and give updates. If you would like to contact me call 301-315-3042 or [rjepson@adventisthaelthcare.com](mailto:rjepson@adventisthaelthcare.com)

Alan Bowser asked if they talked to groups that coordinate with each other to sort out various health care issues.

Robert Jepson stated yes it is coordinated through the EMS and the hospital has to communicate to EMS so there is a level of coordination.

### **Announcement**

Debbie Spielberg stated that the Executive Committee has discussed Board topics for the next few months to be more proactive on how we spend our time. Tentatively we are talking about discussion of Affordable Housing at the March meeting focusing on issues pertaining to renters, MPDU's, workforce housing, Landlord and Property Management to get a better perspective of affordable housing. At the April meeting discussion on the Purple Line with Mike Madden and Tom Autrey and receive information on the County Executive Budget. May meeting hear from Holy Cross in light of what is happening at Washington Adventist Hospital and possibly hearing from the State Delegation. Please understand that all is subject to change.

Gary Stith announced that the Long Branch Advisory Committee was created for three years and they are presenting their final report Wednesday, February 27, 7:00 p.m., Long Branch Community Center, 8700 Piney Branch Road.

### **Neighborhoods Committee**

Alan Bowser reported that

- The last meeting was on January 23. There are 31 pages of meeting minutes starting on page 18. We ask people that came to talk at the meeting in January and December to submit written statements that they made at the Committee, we solicited e-mail feedback from people at the meeting that did not speak and all the e-mail traffic, written submissions by Civic Associations, individuals and groups are in the Board packet.
- Anita and I are very proud of the kind of participation we have had on the Neighborhoods Committee over the last year and particularly in the last couple months. We had 28 people attending the January 23 meeting. Thanks to all the Board members that attended and encouraged people to come.
- We were pleased to have Lucinda and Vic participate in this last meeting where they brought to the Committee their groups concerns about strategic planning and even though the majority of the meeting was on the Purple Line we did have a really good discussion about things the community thought the Board should be interested in, and ways to do outreach. If one big lesson could be drawn from that conversation was that the Board could do more for outreach and a lot of the issues the Board has already done over the last year.
- We had a good discussion on the Operating Budget and that is where the issue of maintenance for county facility surfaced again, for tree maintenance, funds to support the Northwest Park/Oakview Program, after school programs and funding for the Silver Spring Town Center.
- The majority of both of those meetings was on the Purple Line and I thought it would be good to collect information from neighborhoods and make it available to this Board and this Board can do with it as it pleases possibly sending it to the County Executive, Planning Board and to the MTA because we probably have the best distillation of neighborhood concerns about the Purple Line impacts that I have seen to date and we have tried to keep on top of this. I understand that the Transportation and Pedestrian Safety Committee has been looking, interviewing and working with stakeholders over the course of the year and we are looking forward to seeing their contribution and together the work we have done in both Committees really is a definitive piece on how the Purple Line is going to effect Silver Spring from Lyttonsville to Long Branch. I think it is important that this Board take a position on the Purple Line because previously the Board voted in favor of the Purple Line and supported East West transportation link between Prince Georges County and Montgomery County and they probably advocated for environmentally friendly transit but I don't know if we have done anything about it since then except talk about it in the committees. The Board should draft and send a letter to MTA that reaffirms the Boards support for Purple Line states and articulates that the Neighborhoods have some concerns. The MTA has addressed some of the concerns and our local Civic Association met Mike Madden and a large team of public/private sector folks on Wednesday night and you can tell they have been very sensitive to the concerns that have come from the community especially the ones most directly affected like East Silver Spring. Our community Park Hills located where the Old Blair High School is more effected than most communities because both of the MTA's north and south route for East Silver Spring go through our neighborhood one would take a large part of Sligo Creek Parkway near Piney Branch Road and the other part would have significant

impacts at intersections on Wayne Avenue from Fenton down to Sligo Creek so this is a highly contested issue in our neighborhood and looking at our minutes Debbie identified some of the concerns the neighbors have about Purple Line issues in East Silver Spring and after the meeting we thought of other issues. I drafted a letter which I did not think was controversial but a very balanced letter and the letter is located on page 47 and I hope the Board will look at it and think about it and help Darian and Megan that agreed to try and draft a letter that captures the Boards global sense about the Purple Line in Silver spring

- The next meeting due to President's Day is on Thursday, February 21 and the topics of discussions will be affordable housing issues, recycling issues in Montgomery County, and the Director, of Solid Waste and Recycling is attending to talk about the initiatives that office has and respond to concerns that our group will have.

### **CED Committee**

Lucinda Lessley reported that:

- The last meeting was January 16 and the minutes are located in the packet on page 50. At the meeting there was a lot of great ideas regarding strategic planning and we will need to narrow the list down and it will be hard but trust us we will get done
- Vic Weissberg thanked Alan, Darian and Phil for allowing the Strategic Plan Group to talk to each of the Committees and get input.
- The Next CED Committee meeting is Wednesday, February 20th

### **Transportation/Pedestrian Safety Committee**

Darian Unger reported that:

- The last meeting was January 28, and the minutes are located in the packet on page 52 through 54.
- We talk to the Police both about general review of what happened in 2007 we had one less pedestrian death and one more vehicular death in the 3<sup>rd</sup> District and we are always trying to find out causes so in future designs we can try and make things safer in downtown Silver Spring and in all the neighbors around it.
- The issue of jaywalking ticket and the outrage that seem to prevail earlier faded dramatically and by the time Sgt. Harmon talked about it, everyone was fine.

Mitch Warren stated he was disappointed and thought that the Police would say an over eager police officer was ticketing jaywalker crossing Ellsworth at the crosswalk and I just can not think of a bigger waste of Police resources.

- Darian stated there was discussion and that maybe the Police should do more important intersections but not to the extent of scolding the Police for doing what they did.
- We discussed the Purple Line on several issues including what was happening with the Dulles rail line, impacts here, what was happening near the University of Maryland, and Alan Bowser's letter and it turned out more controversial then we all would have liked but we are working on it. We also discussed some Pedestrian Safety recommendation and our next meeting will be on Monday, February 25 and will discuss another aspect of the Purple Line and it going through the library and the head Librarian from the Silver

Spring coming to discuss this and revisiting the issue of free parking for the Library and whether the County should be spending money for that.

Debbie Spielberg stated that this is Eric Hensal last meeting on the Board so I wanted to acknowledge Eric's service on the Board and thanks for everything you have done and we appreciate it and all you have brought to the Board and know you will be continue to be busy in the community.

**New Business:**

Darian Unger stated there are all these plans for the new library there has not been that much movement in terms of planning what will happen with the old library building. I would like to put together an effort to meet with neighbors of that area and actually get ahead of the curve instead of behind it. If you are interested in doing this it would be really great to be ahead of the curve on this one.

Gary Stith responded that perhaps you would like me to share with you at some point the County policy on re-use of County facilities or surplus on County facilities because there is a process that the County goes through.

Darian Unger asked that Gary Stith e-mail the County Policy to Board members.

Lucinda Lessley stated that the signal lights at Wayne Avenue and Dixon need to be looked at because the sequence is off.

Gary Stith responded that he would check on the issue on Wayne Avenue and Dixon because they are supposed to be sequenced.

Alan Bowser asked when the Civic Building was going to be constructed.

Gary Stith responded it is out for bid and they extended the bid because the contractors had questions that needed some supplemental information provide to them. The bids are coming in on February 28 and they still anticipate starting construction early this summer and it will take 14 to 16 months to build and opening the building in August or September of 2009.

***Meeting adjourned***

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